

04-1371 MERRILL LYNCH, PIERCE, FENNER & SMITH, INC. V. DABIT

DECISION BELOW: 395 F.3d 25 (2d Cir. 2005)

LOWER COURT CASE NUMBER: 03-7499, 03-7458

QUESTION PRESENTED

Whether, as the Seventh Circuit held earlier this month and in direct conflict with the decision below, SLUSA preempts state law class action claims based upon allegedly fraudulent statements or omissions brought solely on behalf of persons who were induced thereby to hold or retain (and not purchase or sell) securities?

Cert. Granted 9/27/05